

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROY LEE MCATEER,)	
#147346)	
)	
Plaintiff,)	
)	
VS.)	CASE NO.: 2:07-CV-692-WKW
)	
GOVERNOR BOB RILEY, et al.)	
)	
Defendants.)	

JOINT SPECIAL REPORT

COMES NOW, the State of Alabama, by and through **Governor Bob Riley, Attorney General Troy King, and the Alabama Department of Public Safety**, and in accordance with this Honorable Court's Order of August 16 2007, does hereby submit the following Special Report.

PARTIES

1. The Plaintiff, Roy Lee McAteer (aka "Steve Chaffin"), AIS# 147346, ("Mr. McAteer") is an Alabama Department of Corrections ("ADOC") inmate, who is presently incarcerated at Bibb County Correctional Facility ("Bibb") in Brent, Alabama.
2. Mr. McAteer has named the following Defendants:
 - a. Bob Riley ("Governor Riley"), Governor of the State of Alabama.
 - b. Troy King ("Attorney General King"), Attorney General of the State of Alabama.

c. The Alabama Department of Public Safety (“ADPS”).

PLAINTIFF’S ALLEGATIONS AND DEMANDS

Mr. McAteer seeks declaratory relief and alleges in his complaint that Defendants have violated his constitutional rights. Specifically, Mr. McAteer alleges:

1. The Act violates the *Bill of Attainder* clause because the “CNA’s mandates are impossibly harsh and they are applied without restraint or escapability.”
2. The Act violates the “*Ex Post Facto* clause of Article 1, § 10 of the United States Constitution,” because the “CNA and the laws attached to it have increased my punishment beyond that specified at my sentencing.”
3. The Act violates the *Double Jeopardy* clause of the United States Constitution because the CNA “effectively subjected me to a subsequent conviction for a crime which I had already been sentenced.”
4. Ala. Code § 15-20-20, et seq. (1975), otherwise known as “The Community Notification Act” (“the Act”) violates Mr. McAteer’s *due process* rights because application of the Act would deprive Mr. McAteer of life, liberty, property, and reputation.
5. The Act as applied to him violates the *Equal Protection* Clause of the United States Constitution.

DEFENDANTS' EXHIBITS

1. Exhibit A – Criminal History of Roy Lee McAteer (aka “Steve Chaffin”) dated September 12, 2007.
2. Exhibit B – Setting and Disposition of Sodomy 1st conviction (CC1987 000644) in Tuscaloosa County.
3. Exhibit C - Pending criminal warrant and Oklahoma Department of Corrections profile of Roy Lee McAteer (aka “Steve Chaffin”).

DEFENDANTS' RESPONSE

1. Defendants deny violating Mr. McAteer's constitutional rights.
2. Governor Riley cannot provide the requested relief sought and is not a proper party.
3. Defendants request that this Honorable Court consider this a Motion for Summary Judgment at such time when this Honorable Court sees fit.

SUMMARY JUDGMENT STANDARD

Summary judgment is proper if the pleadings, affidavits and documents submitted to the court show that there is no genuine issue of material fact. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-250 (1986). Once the movant has established that there is no genuine issue,

then the burden shifts to the non-movant to rebut the movant's prima facie showing. Celotex Corp. v. Catrett, 477 U.S. 323 (1986). Unless the non-movant can submit substantial evidence that a genuine issue of material fact does exist, the movant is entitled to summary judgment. Id. Merely submitting restated allegations of the complaint is not sufficient to meet the non-movant's burden. Morisky v. Broward County, 80 F.3d. 445, 448-449 (11th Cir. 1996). This case is ripe for summary judgment because there is no genuine issue of fact to Mr. McAteer's claims and the Defendants are entitled to judgment as a matter of law.

STATEMENT OF UNDISPUTED FACTS

Mr. McAteer carefully fails to disclose any of his criminal history in Alabama, Oklahoma, and South Dakota. Mr. McAteer has a lifelong criminal history including charges for Burglary, Attempted Burglary, Assault, DUI, Possession of Marijuana, Sodomy, Sexual Battery, Failure to Register as a Sex Offender, and Larceny. (Ex. A) However, Defendants will attempt to focus only on those crimes that influence Mr. McAteer's status as a criminal sex offender and the necessity to classify him as a criminal sex offender.

On July 30, 1987, a then twenty-three-year-old Roy Lee McAteer was indicted for Sodomy 1st in Tuscaloosa County Circuit Court (Ex. B). Mr. McAteer pled guilty to the charge of Sodomy 1st on January 13, 1988, and was sentenced to 15 years imprisonment, split 18 months to serve and

given 5 years probation. (Ex. B). However, after this release, Mr. McAteer was subsequently arrested for numerous other offenses, including additional criminal sex offenses, including Sodomy, Sexual Battery and Failure to Register (Oklahoma) and multiple other counts noted above. (Ex. A).

Mr. McAteer is currently incarcerated at Bibb County Correctional Facility for Burglary III (CC2005-1420) in Montgomery County. He was sentenced to 15 years split 3 years to serve. Moreover, Mr. McAteer also has an outstanding arrest warrant pending in the State of Oklahoma for Larceny (CF-2005-319)(Ex. C). Obviously, the classification as a sex offender and eventual application of the Community Notification Act is properly based on the 1988 conviction for Sodomy, an offense clearly recognized as a registration offense under Ala. Code § 13A-11-200 and now governed by Ala. Code § 15-20-21(4)(b), otherwise known as "The Community Notification Act".

STANDARD OF REVIEW

The decision to grant or deny a preliminary injunction "is within the sound discretion of the district court...." Palmer v. Braun, 87 F.3d 1325, 1329 (11th Cir. 2002). The four prerequisites which Parker must demonstrate to warrant issuance of a preliminary injunction are: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury without the injunction; (3) that the harm to Parker outweighs the harm to the non-moving parties; and (4) that an injunction

would be in the interest of the public. Palmer, 287 F.3d at 1329; Baker v. Buckeye Cellulose Corp., 856 F.2d 167, 169 (11th Cir.1988); Cate v. Oldham, 707 F.2d 1176 (11th Cir. 1983); Shatel Corp. v. Mao Ta Lumber and Yacht Corp., 697 F.2d 1352 (11th Cir. 1983). "[A] preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly established the burden of persuasion" as to each of the four prerequisites. *See McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998)(internal citations and quotations omitted); *See also Texas v. Seatrain Int'l, S.A.*, 518 F.2d 175, 179 (5th Cir. 1975)(grant of preliminary injunction "is the exception rather than the rule," and movant must clearly carry the burden of persuasion). The moving party's failure to demonstrate a "substantial likelihood of success on the merits" will defeat the party's claim, regardless of the party's ability to establish any of the other elements. Church v. City of Huntsville, 30 F.3d 1332, 1342 (11th Cir. 1994); *See also Siegel v. Lepore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (noting that "the absence of a substantial likelihood of irreparable injury would, standing alone, make preliminary injunctive relief improper").

I. Claims against Governor Riley

Mr. McAteer has failed to state a claim upon which relief may be granted against Governor Bob Riley. The Act does not refer in any way to the Governor. *See Ala Code § 15-20-20 et.seq.* Despite Mr. McAteer's

assertions, the Governor is not responsible for facilitating Mr. Brown's registration with the ADPS prior to his release. Therefore, Mr. McAteer has no claim against Governor Bob Riley.

II. Claims against Attorney General King and the Alabama Department of Public Safety.

Moreover, Mr. McAteer has failed to state a claim against Attorney General Troy King and the Department of Public Safety upon which relief may be granted. To be successful in this action, Mr. McAteer must show that he "has sustained, or is in immediate danger of sustaining, a direct injury as the result of that act." National Viatical, Inc. v. Oxendine, 2006 WL 1071839, *5 (11th Cir. 2006) (citing National Advertising Co. v. City of Miami, 402 F.3d 1335, 1339 (11th Cir. 2005)). Currently, Mr. McAteer is not immediately due to be released until June 3, 2008. Indeed, if Mr. McAteer refuses to properly register and notify of his intended address as a sex offender in the future, he will be subject to additional and separate charges. Ala. Code § 15-20-22(a) (1). Until then, Mr. McAteer cannot be in violation of the Act. Ala. Code §15-20-22. The Attorney General will not prosecute Mr. McAteer for a crime that he has yet to commit. Therefore, Mr. McAteer's claims against Attorney General Troy King and ADPS are not ripe. Assuming arguendo, for the following reasons, Mr. McAteer's claims are due to be denied:

ARGUMENT OF FACT AND LAW

From the outset, the State asserts that all legislative enactments, including the Community Notification Act (“the Act”), are presumed to be constitutional. Town of Vance v. City of Tuscaloosa, 661 So. 2d 739, 742 (Ala. 1995). In Home Indemnity Co. v. Anders, 459 So.2d 836 (Ala.1984), the Alabama Supreme Court stated:

“In determining whether [an] act is constitutional, we are bound by the following presumption:

“[I]n passing upon the constitutionality of a legislative act, the courts uniformly approach the question with every presumption and intendment in favor of its validity, and seek to sustain rather than strike down the enactment of a coordinate branch of government. All these principles are embraced in the simple statement that it is the recognized duty of the court to sustain the act unless it is clear beyond reasonable doubt that it is violative of the fundamental law.””

459 So.2d at 840.

In his complaint, the Plaintiff contends that the Act violates the Bill of Attainder, Ex Post Facto, Double Jeopardy, Due Process, and Equal Protection clauses of the United States Constitution. These contentions, however, are untenable in the light of existing law.

I. The Community Notification Act does not violate the Bill of Attainder, Ex Post Facto, or the Double Jeopardy Clauses of the United States Constitution.

Mr. McAteer contends that the Community Notification Act imposes unconstitutional punishment under the Bill of Attainder and Ex Post Facto Clauses and that application of the Act violates his rights to be free from

double jeopardy. The Ex Post Facto Clause directs that the government may not apply a law retroactively that inflicts a greater punishment, than the law annexed to the crime, when committed." Calder v. Bull, 3 U.S. 386, 390, 1 L.Ed. 648 (1798). Under the Bill of Attainder Clause, legislatures are forbidden to engage in "[l]egislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial." United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715 (1965). Since imposition of additional punishment upon McAteer under the Act is an essential element to the Bill of Attainder, Ex Post Facto, and Double Jeopardy arguments pending in this case, the State will therefore subject these arguments to the same analysis.

"A person convicted of a criminal sex offense [listed in § 15-20-21(4)], including a person who has pleaded nolo contendere to a criminal sex offense, regardless of whether adjudication was withheld" is considered an adult criminal sex offender under Alabama law subject to the Act's registration, notification, residency and employment provisions upon his release into society. Ala. Code § 15-20-21(1)." The statute identifies "criminal sex offense" as any of the following offenses: rape, *sodomy*, sexual torture, sexual abuse, enticing a child for immoral purposes, promoting prostitution, violation of the Alabama Child Pornography Act: kidnapping of a minor (except by a parent), incest

(when the offender is an adult and the victim is a minor), and soliciting a child by computer for purposes of committing a sexual act and transmitting obscene material to a child by computer in violation of the criminal code. Ala. Code § 15-20-21(4) a-j (emphasis added). "Any solicitation, attempt, or conspiracy to commit any of the [aforementioned] offenses" is likewise a "criminal sex offense" under the Community Notification Act, Ala. Code § 15-20-21(4) k., as is "[any crime committed [in another] jurisdiction, which, if it had been committed in this state under the current provisions of law, would constitute an offense" defined in the Alabama Community Notification Act as a criminal sex offense. Ala. Code § 15-20-21(4) (1).

Upon review of McAteer's Bill of Attainder, Ex Post Facto, and Double Jeopardy arguments, this court should find the opinion issued in Smith v. Doe, *supra*, dispositive. In Smith, the Court addressed an ex post facto challenge to the Alaska Sex Offender Registration Act, an Act strikingly similar to the Alabama Community Notification Act in its registration and notification requirements, brought by individuals convicted of sex offenses prior to passage of the Alaska Act. Specifically, the Court "considered a claim that a sex offender registration and notification law constitutes retroactive punishment forbidden by the Ex Post Facto Clause." 538 U.S. at 92, 123 S.Ct. at 1147. The Court determined that "[t]he [Alaska] Act is nonpunitive, and its retroactive

application does not violate the Ex Post Facto Clause." *Id.* at 538 U.S. at 105-106, 123 S.Ct. at 1154.

The Court in Smith explained that, in order to determine whether a statute is punitive in nature, it proceeds through a two-step inquiry. We must "ascertain whether the legislature meant the statute to establish 'civil' proceedings." Kansas v. Hendricks, 21 U.S. 346, 361, 117 S.Ct. 2072, 138 L.Ed.2d 501 (1997). If the intention of the legislature was to impose punishment, that ends the inquiry. If, however, the intention was to enact a regulatory scheme that is civil and nonpunitive, we must further examine whether the statutory scheme is " 'so punitive either in purpose or effect as to negate [the State's] intention' to deem it 'civil.' " *Ibid.* (quoting United States v. Ward, 448 U.S. 242, 248-249, 100 S.Ct. 2636, 65 L.Ed.2d 742 (1980)).

Here, the preamble to Alabama's Community Notification Act clearly sets out what the Alabama Legislature intended when it enacted the statute. The legislature stated, "The Legislature declares that its intent in imposing certain reporting and monitoring requirements on criminal sex offenders and requiring community notification of the residence and workplace of criminal sex offenders is to protect the public, especially children, from convicted criminal sex offenders." Ala. Code § 15-20-20.1 Moreover, the preamble also states that the Community Notification Act was intended both as *a civil regulatory* measure to serve as a tracking tool for law enforcement agencies in the investigation of

criminal sex offenders. Therefore, the primary purpose of the notification provisions is the establishment of a civil regulatory scheme to facilitate the disclosure of information to law enforcement about sex offenders so that the community can protect itself and its children.

With regard to the second prong, the plaintiff must proffer “the clearest proof” needed to demonstrate that the Community Notification Act is so punitive in purpose or effect as to negate the legislature's expressed intention. In this instance, the plaintiff has failed to do so. In fact, he has not made any allegations whatsoever that would support a determination that the Community Notification Act indeed has such a pervasive punitive effect. The Plaintiff suggests that the “CNA’s mandates are impossibly harsh and they are applied without restraint or escapability.” (*See Plaintiff’s Complaint*, Section IV, p. 3). An adult criminal sex offender has a reduced expectation of privacy. The Act is not intended to allow for “escapability” and despite the plaintiff’s suggestions, does not stigmatize for punishment. By contrast, any stigma of the Community Notification Act results not from public display for ridicule and shaming but from the dissemination of accurate information about the offender’s criminal record, most of which is already public. The dissemination of truthful information in furtherance of a legitimate governmental objective is not punishment. To the contrary, our system requires a public indictment, a public trial, and a public imposition of sentence, all of which the Mr. McAtee has previously received.

Virtually every court, including Alabama, that has addressed the issue of whether community notification statutes are Ex Post Facto laws has applied the analysis employed in Smith, and has reached the conclusion that such legislative acts, which are designed to give the public notice of sex offenders in their communities, are not unconstitutional.¹

Indeed, Alabama's Community Notification Act is a remedial and regulatory statute, not a punitive one. In the context of the regulatory scheme the State can dispense with individual predictions of future dangerousness and allow the public to assess the risk on the basis of accurate, nonprivate information about the offender's convictions without violating the prohibitions of the Ex Post Facto Clause.

The legislature did not act with punitive intent, and any arguably punitive impact on those persons subject to the provisions of the Community Notification Act is simply an incidental consequence of the statute's remedial provisions. Although some consequences may result from the enforcement of the Community Notification Act, that alone does not render it an ex post facto law, nor does it otherwise make the Act

¹ Arizona Dept. of Public Safety v. Superior Court, 949 P. 2d 983 (Ariz. Ct. App. 1997); People v. Fioretti, 63 Cal. Rptr. 2d 367 (Cal. Ct. App. 1997); Ortega v. State, 712 So. 2d 833 (Fla. Dist. Ct. App. 1998); State v. Costello, 643 A.2d 531 (N.H. 1994) People v. Starnes, 653 N.E. 2d 4, 210 (Ill. App. Ct. 1995); State v. Pickens, 558 N.W. 2d 396 (Iowa 1997); State v. Hemby, 957 P. 2d 428 (Kan. 1998); Doe v. Attorney General, 686 N.E.2d 1007 (Mass. 1997); State v. Manning, 532 N.W. 2d 244 (Minn. Ct. App. 1995); In re Parolee, 668 N.Y.S. 2d 53 (N.Y. App. Div. 1998); M.G. v. Travis, 667 N.Y.S. 2d 11 (N.Y. App. Div. 1997); State v. Bruns, 1998 WL 412451 (Ohio Ct. App. Jul 24, 1998); Williford v. Board of Parole and Post-Prison Supervision, 904 P. 2d 1074 (Or. Ct. App. 1995); Commonwealth v. Mountain, 711 A.2d 473 (Pa. Super. Ct. 1998); Commonwealth v. Gaffney, 702 A. 2d 565 (Pa. Super. Ct. 1997); Perez v. State, 938 S.W. 2d 761 (Tex. Crim. App. 1997); Kitze v. Commonwealth, 475 S.E. 2d 830 (Va. Ct. App. 1996); Snyder v. State, 912 P. 2d 1127 (Wyo. 1996); State v. Ward, 869 P. 2d 1062 (Wash. 1994).

unconstitutional. The legislature's intent was not to punish an individual for past activity. Rather, the legislature intended to create a regulatory scheme, and the "restriction of [any] individual comes about as a relevant incident to a regulation of a present situation." De Veau v. Braisted, 363 U.S. 144, 160, 80 S.Ct. 1146, 1155 (1960).

Moreover, as the Court in Smith noted, "[a] sex offender who fails to comply with the reporting requirement may be subjected to a criminal prosecution for that failure, *but any prosecution is a proceeding separate from the individual's original offense.*" Smith, 38 U.S. at 101-102, 123 S.Ct. at 1152. Thus, a separate prosecution for violation of the Act's registration and notification provisions and, consequently, any punishment imposed as a result of this prosecution do not implicate double jeopardy.

Therefore, based on established case law, including the United States Supreme Court's decision issued in Smith, this Honorable Court should conclude that Mr. McAteer cannot establish a substantial likelihood of success on the merits of his ex post facto, bill of attainder or double jeopardy claims as the registration and notification provisions of the Alabama Community Notification Act do not constitute "punishment" prohibited by the constitutional directives on which McAteer relies. Moreover, the issuance of a preliminary injunction would not be in the best interest of the public.

II. The Plaintiff has no right to individualized procedural due process prior to enforcement of the Community Notification Act.

The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides that no state “shall deprive any person of life, liberty, or property without due process of law.” To succeed on his procedural due process claim, McAteer must establish that (1) the Community Notification Act deprives him of a protected liberty interest, and (2) the procedures accompanying the deprivation are constitutionally inadequate. Kentucky Department of Corrections v. Thompson, 490 U.S. 454, 460, 109 S.Ct. 1904, 1908 (1989). Under the facts of this case, the plaintiff has failed to demonstrate a likelihood of success on the merits of his claim that the Act deprives him of a protected liberty or property interest in violation of his due process rights.

In this instance, the Plaintiff is not entitled to procedural due process because the enforcement of the Act would not deprive him of a property right or any other legally protected liberty interest. Although the Act strictly places restrictions on where the plaintiff may reside and work and with whom he may live, persons found to have committed a criminal sex offense have a reduced expectation of privacy because of the public’s interest in safety and in the effective operation of government. Moreover, the danger of recidivism posed by criminal sex offenders and

the protection of the public from these offenders is a paramount concern or interest to government.

The restrictions set forth in the Act do not contravene principles of procedural due process under the Constitution. The restrictions apply to all offenders who have been convicted of criminal sex offenses, regardless of what estimates of future dangerousness might be proved in individualized hearings. Once legislative classifications have been determined, additional procedures are unnecessary, because the statute does not provide exemptions for individuals who seek to prove that they are not individually dangerous or likely to re-offend. Consequently, procedural due process requirements with respect to such offenses are met through *the original criminal proceedings* that resulted in the conviction.

Connecticut Department of Public Safety v. Doe, 538 U.S. 1, 7 123 S.Ct. 1160, 1164 (2003)(emphasis added).

Additionally, the Act does not allow the State to physically invade or otherwise appropriate the plaintiff's property. Even if enforcing the Act were to deprive the plaintiff of his property, he nonetheless has no right to procedural due process in this case, because, as noted, no such right attends legislative enactments—such as the Community Notification Act—that affect a general class of persons—such as a class comprised of convicted sex offenders. “When a legislature enacts a law ... that affects a general class of persons, all of those persons have received procedural due process by the legislative process itself and they have no right to

individual attention. The challenges to such laws ... must be based on their substantive compatibility with constitutional guarantees.” United States v. LULAC, 793 F.2d 636, 648 (5th Cir. 1986). See also Richmond Boro Gun Club, Inc. v. City of New York, 97 F.3d 681, 689 (2nd Cir. 1996); Jackson Court Condominiums, Inc. v. City of New Orleans, 874 F.2d 1070, 1074 (5th Cir. 1989); Gillespie v. City of Indianapolis, 13 F. Supp. 2d 811, 825 (S.D. Ind. 1998); Sammy's of Mobile, Ltd. v. City of Mobile, 928 F. Supp. 1116, 1123 (S.D. Ala. 1996); 2 Rotunda & Nowak, Treatise on Constitutional Law: Substance and Procedure § 17.8 at 646 (2d ed. 1992). This principle derives from the U.S. Supreme Court’s decision in Bi-Metallic Investment Co. v. State Bd. of Equalization, 239 U.S. 441, 36 S. Ct. 141 (1915), in which Justice Holmes, writing for the Court, stated:

“When a rule of conduct applies to more than a few people, it is impracticable that everyone should have a direct voice in its adoption. The Constitution does not require all public acts to be done in town meeting or an assembly of the whole. General statutes within the state power are passed that affect the person or property of individuals, sometimes to the point of ruin, without giving them a chance to be heard. Their rights are protected in the only way that they can be in a complex society, by their power, immediate or remote, over those who make the rule.”

239 U.S. at 445, 36 S. Ct. at 142.

Finally, assuming arguendo, even if the plaintiff were generally entitled to procedural due process, he is not so entitled in this case because there is no factual dispute as to the applicability of the Act to the

plaintiff under his current circumstances. "Generally, if government action will deprive an individual of a significant property interest, that individual is entitled to an opportunity to be heard. ... However, a hearing is not required if there is no factual dispute." Sec. and Exch. Comm'n v. Elliott, 953 F.2d 1560, 1566 (11th Cir. 1992) (citing Codd v. Velger, 429 U.S. 624, 97 S. Ct. 882 (1977) (emphasis added). See also Oklahoma Educ. Ass'n v. Alcoholic Beverage Laws Enforcement Comm'n, 889 F.2d 929, 936 (10th Cir. 1989); 2 Rotunda & Nowak, Treatise on Constitutional Law: Substance and Procedure § 17.8 at 645-46 (2d ed. 1992). In the present case, there is simply no factual dispute to be resolved. In 1988, the plaintiff was convicted of Sodomy. (Ex. A.)

Section 15-20-21(1) of the Code defines an adult criminal sex offender as "A person convicted of a criminal sex offense, including a person who has pleaded nolo contendere to a criminal sex offense, regardless of whether adjudication was withheld." Ala. Code § 15-20-21(1) (Supp. 2005). In this instance, the facts relate to Sodomy 1st which is a criminal sex offense under Alabama law. *See* Ala. Code § 15-20-21 (4)(b) (Supp. 2005). Therefore, because it is undisputable that the terms of the Act plainly apply to the plaintiff, there is no danger that the provisions of the Act will be wrongfully applied to him. Thus, there is no need to conduct a hearing or take any further steps—i.e., to give the plaintiff procedural due process—before the Act's provisions are brought to bear on the plaintiff.

Moreover, substantive due process does not appear to be implicated as McAteer has failed to demonstrate the existence of a legitimate privacy interest in preventing compilation and dissemination of accurate information that is already, albeit less conveniently, available in the public domain. In Smith v. Doe, 538 U.S. 84, 123 S.Ct. 1140 (2003), the Court stated: ‘The purpose and the principal effect of notification are to inform the public for its own safety, not to humiliate the offender. Widespread public access is necessary for the efficacy of the scheme, and the attendant humiliation is but a collateral consequence of a valid regulation.’’’ Smith, 538 U.S. at [99], 123 S.Ct. at 1150 (2003).

In light of the foregoing, the State submits that there is no genuine issue of material fact and there is not a reasonable likelihood that McAteer will succeed on the merits of his due process claims or that the issuance of a preliminary injunction would be in the best interest of the public.

III. The Act does not violate the Equal Protection Clause of the United States Constitution.

McAteer complains that the application of the Community Notification Act to him is violative of equal protection because it denies him privileges and immunities secured by the Constitution. In order to allege a claim cognizable under the Equal Protection Clause, a plaintiff must, at the very least, state that he is similarly situated with other persons who received differential treatment and that the basis for such treatment was race, religion, national origin, poverty or some other

constitutionally protected interest. Jones v. Ray, 279 F.3d944, 947 (11th Cir. 1986). McAteer has failed to identify any similarly situated inmate who has been treated differently under the Act.

CONCLUSION

McAteer fails to establish a substantial likelihood of success on the merits of any of his claims for relief or that the issuance of a preliminary injunction would be in the best interest of the public. Based on the foregoing, the Defendants respectfully request that this Honorable Court consider treating this Special Report as a Motion for Summary Judgment deny the motion for preliminary injunction filed by the plaintiff.

RESPECTFULLY SUBMITTED,

TROY KING
ATTORNEY GENERAL
KIN047

/s/ Joshua S. Bearden
Joshua S. Bearden (BEA070)
Assistant Attorney General
Counsel for Defendants

OF COUNSEL:

OFFICE OF THE ATTORNEY GENERAL
11 South Union Street
Montgomery, AL 36130
(334) 242-7300
(334) 242-2433 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have, this 17th day of September, 2007, served a copy of the foregoing on the plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Roy Lee McAteer, AIS #147346
Bibb County Correctional Center
565 Bibb Lane
Brent, AL 35034

Ms. Lindsey Clements
Legal Division
Alabama Department of Public Safety
P.O. Box 1511
Montgomery, Alabama 36102-1511

/s/ *Joshua S. Bearden*

OF COUNSEL

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7L0100G6, MRI0666755

AL003025C

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON NAM/MCATEER, ROY LEE SEX/M RAC/W DOB/19640918 PUR/C

NAME	FBI NO.	INQUIRY DATE
CHAFFIN, STEVE J	586429NA9	2007/09/12

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	W	1965/04/28	600	150	BRO	BRO	N

BIRTH PLACE

ALABAMA

FINGERPRINT CLASS

PI 65 PI PM 16
PI PO PI PI 15

PATTERN CLASS

WU LS WU WU RS WU WU WU WU LS
WU LS LS

ALIAS NAMES

CHAFFIN, STEVE
MC ATEER, ROY L
MCATEER, ROY
MCATEER, ROY LCHAFFIN, STEVEN
MC ATEER, ROY LEE
MCATEER, ROY HENRY
MCATEER, ROY LEE

OTHER SCARS-MARKS -

BIRTH DATES	TATTOOS	SOCIAL SECURITY
1963/09/18	TAT L ARM	419-04-6853
1964/09/18	TAT LF ARM	419-04-6856
	TAT R ARM	426-21-8068
	TAT R HND	
	TAT UL ARM	
	TAT UR ARM	

IDENTIFICATION DATA UPDATED 2007/03/21

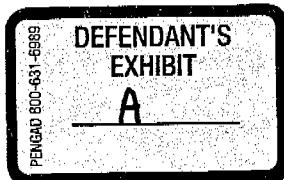
THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

OKLAHOMA	- STATE ID/OK01160358
SOUTH DAKOTA	- STATE ID/SD268871A3
FBI	- FBI/586429NA9

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

SEQ # 0043 MRI # 0666761



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QH.AL003025C.VZX.

***** ADVISORY NOTICE ONLY *****

ALABAMA DEPARTMENT OF CORRECTION INMATE RECORD
FOR CONFIRMATION AND ADDITIONAL INFORMATION CONTACT: DEPARTMENT OF
CORRECTION CENTRAL RECORDS 334-353-9739 AFTER 5PM, WEEKENDS AND HOLIDAYS
CONTACT: STATON CORRECTIONS AT 334 567-2221

MKE/INMATE

AIS/00147346 SID/AL00880892 FBI/586429NA9

NAM/MCATEER, ROY LEE SEX/M RAC/W
HGT/511 WGT/167 EYE/BROWN HAI/BROWN

SMT1/TATTOOS-RIGHT HAND

SMT2/TATTOOS-LEFT ARM SMT3/TATTOOS-RIGHT ARM

DOB/19640918 SOC/419046856

OFFENSE/103C BURGLARY III

INSTITUTION/037 BIBB COUNTY CORRECTIONAL FAC.

COUNTY/51 MONTGOMERY

AKA/CHAFFIN, STEVE J

AKA/CHAFFIN, STEVE

***** IMMEDIATE CONFIRM WITH ORI *****

***** WANTED PERSON FILE *****

MISDEMEANOR WARRANT

WILL ONLY EXTRADITE FROM ADJACENT COUNTIES OF TUSCALOOSA, JEFFERSON, BIBB, FAYETTE
, GREENE, PICKENS, SHELBY, WALKER, HALE

FOLN/ID68445 AL 1999

MKE/WANTED PERSON

ORI/AL0630200

NAM/MCATEER, ROY LEE SEX/M RAC/W

DOB/19630918

HGT/600 WGT/160 EYE/BRO HAI/BRO

SOC/419046856

AIN/12777210 OCA/MC970463

OFFENSE/FAILURE TO APPEAR

DOW/19971105

MIS/ASSAULT III

DTE/19971218 DTM/20070402 CLN/5081914 OLS/AL OLY/1987

VLN/ATKINS, SHERRY VLD/20070402

CLN/ID68445 AL 1999

ORI IS AL0630200 - NORTHPORT POLICE DEPT

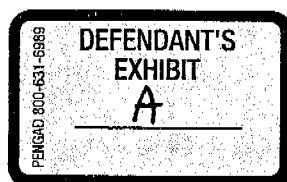
TEL/2053396600 ALT TEL/205333013

FAX/2053333014

***** IMMEDIATE CONFIRM WITH ORI *****

END OF RESPONSE

SEQ # 0044 MRI # 0666763



VZX.16:25 09/12/2007 667028

FR.SDSIR0000.VZX.

FR.SDSIR0000

14:35 09/12/2007 53162

14:35 09/12/2007 09311 AL003025C

*MRI0667026

TXT

PUR/C.ATN/VQUEST PR.SID/SD268871A3

*** C O N F I D E N T I A L D O C U M E N T ***

STATE OF SOUTH DAKOTA
 DIVISION OF CRIMINAL INVESTIGATION
 GEORGE S MICKELSON BUILDING
 1302 EAST HIGHWAY 14
 PIERRE SOUTH DAKOTA 57501-8505

DATED: 09/12/07

TELEPHONE: (605) 773-3331

INFORMATION SHOWN ON THIS IDENTIFICATION RECORD REPRESENTS DATA FURNISHED BY FINGERPRINT CONTRIBUTORS. WHEN AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT CONTRIBUTED THE FINGERPRINTS

ATTN: VQUEST PR

NAME: MCATEER, ROY LEE DOB: 09/18/1963 SID: SD268871A3 JACKET: NO
 ALIAS:
 POB: AL
 SEX: M RACE: W HGT: 6' 00" WGT: 165 EYE: BRO HAIR: BRO
 FBI: 5B6429NA9 SOC: 419-04-6856 HENRY FPC:
 NCIC FPC:

***** RECORD SUBJECT IS A MULTI-STATE OFFENDER *****

1) ARRESTED: 06/01/1998 PROCESS CONTROL #: 3414112
 CONTRIBUTING AGENCY: MINNEHAHA CO SHERIFF'S OFFICE ORI: SD0490000
 CHARGE: TRAFFIC-DUI ALCOHOL COUNTS: 1
 CHARGE: DRUG-POSSESSION MARIJ AMT UNKN COUNTS: 1
 CHARGE: DRUG-POSSESSION PARAPHERNALIA COUNTS: 1

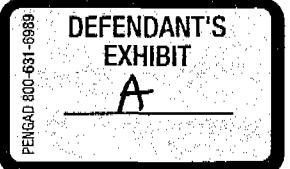
COURT: DOCKET-49C98002329A0 MINNEHAHA CO MAGISTRATE SENT/DISP: 06/02/1998

DRIVING UNDER INFLUENCE-1ST OF, SDCL 32-23-2
 DISPOSITION: JUDGMENT ON PLEA OF GUILTY, CLASS-MISD 1
 \$350.00 FINE
 40 DAYS JAIL LOC/REGNL, 40 DAYS SUSP

POSSES MARIJUANA LESS 1/2 LB, SDCL 22-42-6

DISPOSITION: JUDGMENT ON PLEA OF GUILTY, CLASS-MISD 1
 \$75.00 FINE
 30 DAYS JAIL LOC/REGNL, 30 DAYS SUSP

USE OR POSSESSION OF DRUG PARAPHERNALIA, SDCL 22-42A-3



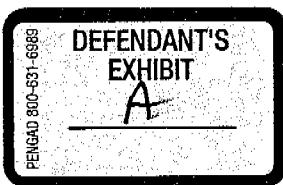
DISPOSITION: DISMISSED - MOTION BY PROSECUTOR, CLASS-MISD 2

CASE LEVEL: COSTS, CONDITIONS

ABOVE DATA BASED SOLELY UPON SOUTH DAKOTA CRIMINAL HISTORY FILES MAINTAINED BY DCI. THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF RECORDS IN OTHER STATES OR FBI FILES. THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE ONLY AND MAY BE USED ONLY FOR CRIMINAL JUSTICE PURPOSES.

END OF RECORD

SEQ # 0046 MRI # 0667028



VZK.16:25 09/12/2007 666956

FR.OKSIRO0000.VZK.

FR.OKSIRO0000

14:35 09/12/2007 74502

14:35 09/12/2007 09309 AL003025C

*MRI0666926

TXT

HDR/

ATN/VQUEST PR

THIS RECORD IS BASED ONLY ON THE SID NUMBER IN YOUR REQUEST - SID/OK01160358

**OKLAHOMA STATE BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
6600 NORTH HARVEY SUITE 300
OKLAHOMA CITY, OKLAHOMA 73116**

THE FOLLOWING OSBI RECORD IS SUBJECT TO THE OKLAHOMA OPEN RECORDS ACT. INFORMATION SHOWN ON THIS CRIMINAL HISTORY REPRESENTS DATA FURNISHED TO OSBI BY FINGERPRINT CONTRIBUTORS, DISTRICT ATTORNEYS, AND COURT RECORDS. WHERE DISPOSITION DATA IS NOT SHOWN OR FURTHER EXPLANATION OF THE CHARGE OR DISPOSITION IS DESIRED, COMMUNICATE WITH THE AGENCY CONTRIBUTING THE RECORD TO OSBI. ONLY THE COURT WHERE A FINAL DISPOSITION OCCURRED CAN PROVIDE A CERTIFIED COPY OF THAT DISPOSITION. UNLESS FINGERPRINTS ACCOMPANIED YOUR REQUEST FOR A CRIMINAL HISTORY RECORD, OSBI CANNOT AFFIRM THAT THIS RECORD RELATES TO THE PERSON OF YOUR INQUIRY. THIS INFORMATION IS COMPLETE AND ACCURATE TO THE EXTENT FEASIBLE AS OF THE DATE OF DISSEMINATION, BASED ON THE RECORDS RECEIVED AT OSBI.

OSBI #: 1160358

FBI#: 586429NA9

RELEASE DATE: 09/12/2007

NAME(S) USED: MCATEER, ROY LEE

SEX	RACE	BIRTHDATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTHPLACE	CITIZENSHIP
M	W	09/18/1963	511	171	BROWN	BROWN	AL	US

FINGERPRINT CLASS: PI65PIPM16PIPOPIPI15

SCARS/MARKS: TAT UR ARM TAT UL ARM TAT R ARM TAT LF ARM

NAMES USED: CHAFFIN, STEVEN MCATEER, ROY HENRY

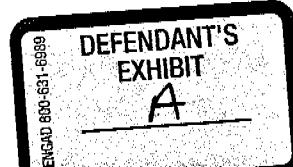
SOCIAL SECURITY NUMBER(S): 419-04-6856

DEPARTMENT OF CORRECTION NUMBER(S): 369502

PALM PRINTS AVAILABLE PHOTO AVAILABLE

ENTRY 001 NAME USED: MCATEER, ROY LEE

CONTRIBUTOR	CHARGE AT ARREST	DISPOSITION
DATE ARRESTED OR RECEIVED: 07/30/1998 ORI: OK0550100	SODOMY FELONY	REFERRED TO D.A.



PD BETHANY, OK
OCA NO: 987588

SEXUAL BATTERY
FELONY

REFERRED TO D.A.

ATN/VQUEST PR
OSBI #: 1160358

FBI#: 586429NA9

RELEASE DATE: 09/12/2007

FAILURE TO REGISTER AS SEX
OFFENDER-FELONY IN 1997
MISDEMEANOR

ENTRY 002 NAME USED: MCATEER, ROY LEE

CONTRIBUTOR	CHARGE AT ARREST	DISPOSITION
-------------	------------------	-------------

DATE ARRESTED OR
RECEIVED: 07/30/1998
ORI: OK0550000
SO OKLA CO, OKLA
CITY, OK
OCA NO: 98182813

SODOMY
FELONY

SEXUAL BATTERY
FELONY

FAILURE TO REGISTER AS SEX
OFFENDER-FELONY IN 1997
FELONY

ENTRY 003 NAME USED: MCATEER, ROY HENRY

CONTRIBUTOR	CHARGE AT ARREST	DISPOSITION
-------------	------------------	-------------

DATE ARRESTED OR
RECEIVED: 04/08/1999
ORI: OK0550600
PD OKLA CITY, OK
OCA NO: 250110

UNAUTH USE OF VEH
FELONY

DA DECLINED TO FILE CHARGE

TRAFFIC OFFENSE
MISDEMEANOR
COUNTS: 2

REF TO MUN. PROSECUTOR

ENTRY 004 NAME USED: MCATEER, ROY LEE

CONTRIBUTOR	CHARGE AT ARREST	DISPOSITION
-------------	------------------	-------------

DATE ARRESTED OR
RECEIVED: 03/29/2000
ORI: OK014035C
ASSESSMENT &
RECEPTION CENTER,
LEXINGTON, OK
OCA NO: 369502

ATTEMPT TO COMMIT-
BURGLARY - SECOND DEGREE
FELONY

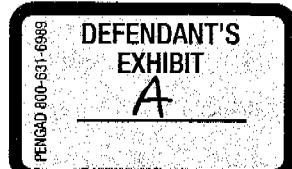
OKLAHOMA CO CF1999-3620
SENTENCED
FELONY CONVICTION
SENTENCE: 11 YRS 0 DAYS
PRISON: 11 YRS 0 DAYS
JAIL TIME: 0 YRS 287 DAYS
03/29/2000
RECEIVED

ATN/VQUEST PR
OSBI #: 1160358

FBI#: 586429NA9

RELEASE DATE: 09/12/2007

06/25/2004



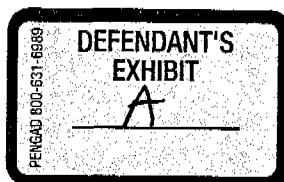
DISCHARGED

ENTRY 005 NAME USED: MCATEER, ROY LEE

CONTRIBUTOR	CHARGE AT ARREST	DISPOSITION
DATE ARRESTED OR RECEIVED: 12/02/2004 ORI: OK0720500 PD TULSA, OK	LARCENY OF MERCHANDISE FROM REF TO MUN. PROSECUTOR RETAILER MISDEMEANOR	

THIS IS A MULTISTATE RECORD. ADDITIONAL CRIMINAL HISTORY INFORMATION IS INDEXED IN III FOR OTHER STATE OR FEDERAL OFFENSES.

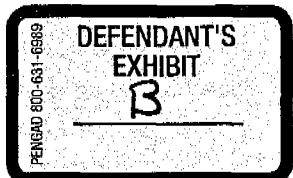
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SEQ # 0045 MRI # 0666956



Session - PASSPORT

September 12, 2007, 10:25:10

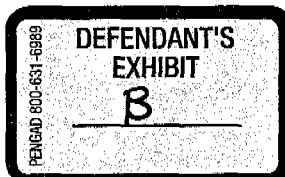
AR10 SETTING AND DISPOSITION COUNTY: 63 TUSCALOOSA ACRAR10
 ACTION: CASE: CC 1987 000644 00 JID: GML SCAN: N STS: P PRISON CONFD: N
 NAME: MCATEER ROY LEE FLAG: Y DOCKET: EST: S PST: H
 PROS: STE025 FLG: N ATTY1: SOG001 R FLG: N ATTY2: FLG: Y
 STEVERSON DENNIS SOGOL JOEL L
 FCHG1: SOD1 SODOMY 1 13A-006-063 F SX CNTS: 001
 DATE1: 09181996 QUE: 000 TIME: 0900 A DESC: PREV PROBATION REV
 DATE2: 00000000 QUE: 001 TIME: 0000 DESC: APPD
 DATE3: 00000000 QUE: 000 TIME: 0000 DESC: APPD
 DATE4: 00000000 QUE: 000 TIME: 0000 DESC: APPD
 WARISS: 00000000 WARACT: 00000000 WARLOC: 00000000
 BP ISS: 00000000 BP RTN: 00000000 # CONV: 00
 CRTACT: G GUILTY PLEA CADATE: 01131988 JRY: MORE: N UPD: N T/CAT: S
 CHG1: SOD1 SODOMY 1 13A-006-063 F SX CNT: 001 CA: G 01131988
 CHG2: CNT: 000 CA: 00000000
 CHG3: CNT: 000 CA: 00000000
 DJID: GML ADMIN: 00000000 WHY: TBNV1: 00000000 TBNV2: 00000000 DOMVIO:
 CA-APP: 00000000 CAPP: TYPE: GJCA: LA-APP: 00000000
 CONTDT: 00000000 WHY: CONT#: 00
 COMM:
 CMP: Y SPRO: U DUE: 0000000000 WARR 000 SUBP 018 UPDATED: 08121996 BY: BON
 *** HERE IS THE REQUESTED RECORD ***
 01=MNU 02=ACS 03=NDX 04=PTY 05=CLR 06=OCS 07=DKT 08=ENF 09=APL 10=FEE 11=SNT
 12=FIL 14=NXC 15=NXN 16=NXS 17=FRM 18=CHG 19=PRT 20=OFF 22=PFM 24=HLP



Session - PASSPORT

September 12, 2007, 10:25:13

AR01 CRIMINAL FILING COUNTY: 63 TUSCALOOSA ACRAR01
ACTION: CASE: CC 1987 000644 00 JID: GML DEFSTS: P ST PRISON ESTS: S CONF: N
NAME: MCATEER ROY LEE ALIAS:
ADD1: 3600 24TH AVENUE ALIAS:
ADD2: BOX A-12 SID: 000000000 YDATE: 000000000
ZCSC: 35401 0000 TUSCALOOSA AL US AS: PR: 1995 032010 00
DLNO: RACE: W SEX: M DOB: 09181963
SSN: 419046856 PHONE: 000 000 0000 000 HGT: 6 10 WGT: 150 EYES: BRO HAIR: BRO
FILED: 07301987 AAGCY: S MUNI#: 00 JDMD: CITY:
IDATE: 08141987 A OFDT: 00000000 ORI: STAT APPL: OFFC: BT
INDICT: 07301987 GJ: 2035 ATY1: SOG001 R TKT#:
BOND: 0000000000 TYP: BNDCO: REL: 000000000
SURE: 000 CWIT: 000
TRACKING NOS: 0000 000000 00 / 0000 000000 00 / 0000 000000 00
DATE: 1 09181996 QUE: 000 TIME: 0900 A DESC: PREV PROBATION REV
CHG1: SOD1 SODOMY 1 13A-006-063 F SX CNTS: 001
CHG2: CNTS: 000
CHG3: CNTS: 000
MORE: N DOMVIO: CASE TYPE/CAT: F / SX
COMMENT:
CMP: Y SPRO: U DUE: 0000000000 SYFL: 07011987 SDSP: 01011988 UPD: 08121996 BON
*** HERE IS THE REQUESTED RECORD ***
01=MNU 02=ACS 03=NDX 04=PTY 05=CLR 06=OCS 07=DKT 08=ENF 09=DSP 10=FEE 11=DLS
12=SNT 13=DUP 14=NXC 15=NXN 16=NXS 17=FRM 18=CHG 19=PRT 20=OFF 22=PFM 24=HLP



SEP 12, 2007 11:13

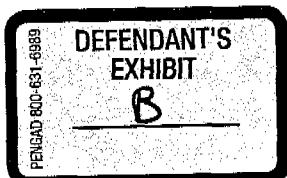
2054696590

Page 4

Session - PASSPORT

September 12, 2007, 10:25:15

AR05 CRIMINAL SENTENCE COUNTY: 63 TUSCALOOSA ACRAR05
 ACTION: CASE: CC 1987 000644 00 01 JID: GML DEFSTS: P PRISON CONFID: N
 NAME: MCATEER ROY LEE CA: G GUILTY PLEA 01131988 CC19921 00000
 SENT: 01131988 BEGIN: 00000000 END: 00000000 PRBBEG: 00000000 PRBREV: 00000000
 IMP CONF --- SUSP CONF -- TOTL CONF ----- JAIL CRED -- PROBATION -- LICN SUSP
 00 18 000 13 06 000 13 24 000 00 00 000 05 00 000 00 00 00 000
 MONETARY: X COST FINE IMP: 00000000 SUSP: 00000000 X CVCC HIST
 WCCS MCOS 00000000 JFEE 00000000 DRGF 0 ASUS
 WCDA REMB 00000000 3CVC 00000000 WARR 000 USFE
 PREL DRUG 00000000 RCUP 00000000 X SUBP 018 CRIMEF
 RES1 00000000 RES2 00000000 RES3 00000000
 RES4 00000000 RES5 00000000 RES6 00000000
 CONFINE: X PENT LIFE LWOP DEATH X SPLIT BOOT 000 EMON 000
 JAIL X CCUR CSEC CTERM RVSPD GANG 000
 PROGRAMS: JDVR IPROB AASCH DUI DDC CSV 0000 SAPP CCR
 PTRL BCSCH MNTL CRO ASCH ANGER DRCT DOCC
 ENHANCED: PROJ CNOT SCH VDOB 00000000 X HOOF 000
 DRUG CODE: MEAS: VOL: 00000000
 SEC/CUR: 00 000000000000 00 00 000000000000 00 00 000000000000 00
 COMMENT:
 BALDUE: 0000000000 DUE: 01131988 CRO: UPDATED: 08121996 BY BON
 *** HERE IS THE REQUESTED RECORD ***
 01=MNU 02=ACS 03=NDX 04=PTY 05=CLR 06=OCS 07=DKT 08=ENF 09=DSP 10=FEE
 12=FIL 13=DUP 14=NXS 15=TRF 16=WAR 17=FRM 18=CHG 19=PRT 20=OFF 24=HLP





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Party Information Record from the Oklahoma Court System

The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. § 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

The codes used in this report and the format of the information contained in this report were designed to comply with Federal NCIC Database parameters.

		Alias or Alternate Names:
Requested Party Record:		CHAFFIN, STEVEN CHAFFIN, STEVEN JOE MC ATEER, ROY HENRY MCATEER, ROY LEE
Mc Ateer, Roy Lee		

Personal Profile *

Record Date	Marital Status	Birth Date	Birth City	BirthPlace
May 27, 2005 at 10:9:47 AM	-	09/18/1963	-	-

Physical Profile *

Record Date	Hair	Eye	Sex	Race	Skin	Weight	Height	Blood Type
May 27, 2005 at 10:9:47 AM	Brown	Brown	Male	White	-	165	600	-

Address Information *

Record Date	Status	Type	Address
January 19, 2006 at 1:52:11 PM	Current	Home Address	1823 NW 9TH ST OKC, Oklahoma 73102

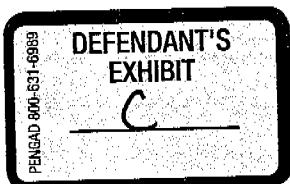
Telephone Information *

Record Date	Type	Number
No Records Found.		

*Multiple records may have been entered over time. Records will appear in reverse order of entry, with the most recent record first.

Report Generated by the Oklahoma Court Information System at September 17, 2007 09:15:46.

End of Transmission.





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IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY, OKLAHOMA

State of Oklahoma v. Mc Ateer, Roy Lee	No. CF-2005-3019 (Criminal Felony)
	Filed: 05/27/2005
	Judge: Gray, Twyla Mason

Parties

Mc Ateer, Roy Lee , Defendant
Oklahoma City Police Department , ARRESTING AGENCY
STATE OF OKLAHOMA , Plaintiff

Attorneys

Attorney

Represented Parties

Events

Event

Party

Docket

Reporter

Counts

Parties appear only under the counts with which they were charged. For complete sentence information, see the court minute on the docket.

Count # 1.

Count as Filed: OLAR, LARCENY OF MERCHANDISE FROM A RETAILER ,
in violation of 21 O.S. 1702-1737
Date Of Offense: 03/01/2005

Party Name: **Disposition Information:**

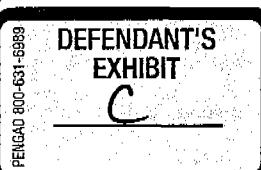
Defendant: Mc Ateer, Pending.
Roy Lee
(After Prior Convictions)

Docket

Date	Code	Count	Party	Serial #	Entry Date	
05-27-2005	TEXT	1	Mc Ateer, Roy Lee	45137431	May 27 2005 10:09:55:213AM	- \$ 0.00
CRIMINAL FELONY INITIAL FILING.						
05-27-2005	INFORMATION	1	Mc Ateer, Roy Lee	45151087	May 31 2005 1:41:21:450PM	- \$ 0.00

DEFENDANT ROY LEE MC ATEER WAS CHARGED WITH COUNT #1, LARCENY OF MERCHANDISE FROM A RETAILER IN VIOLATION OF 21 O.S. 1702-1737

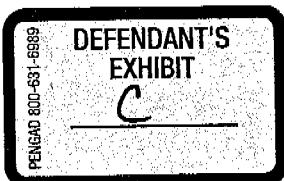
Document Available at Court Clerk's Office
MICROFILM: REEL FRAMENUMBER



05-27-2005 TEXT	-	45137432	May 27 2005 10:09:55:213AM -	\$ 0.00		
OCIS HAS AUTOMATICALLY ASSIGNED JUDGE GRAY, TWYLA MASON TO THIS CASE.						
06-01-2005 WAI\$	-	Mc Ateer, Roy Lee	45163869	Jun 1 2005 2:45:33:697PM	Realized	\$ 30.00
WARRANT OF ARREST ISSUED, JUDGE: RUSSELL HALL - BOND AMOUNT: \$2,000.00						
COUNT 1 - LARCENY OF MERCHANDISE FROM A RETAILER						
COMMENT: #2005011260						
(\$ 30.00)						
06-01-2005 OCISR	-	Mc Ateer, Roy Lee	45163870	Jun 1 2005 2:45:33:697PM	Realized	\$ 10.00
OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 10.00)						

Report Generated by The Oklahoma Court Information System at September 17, 2007 9:12 AM

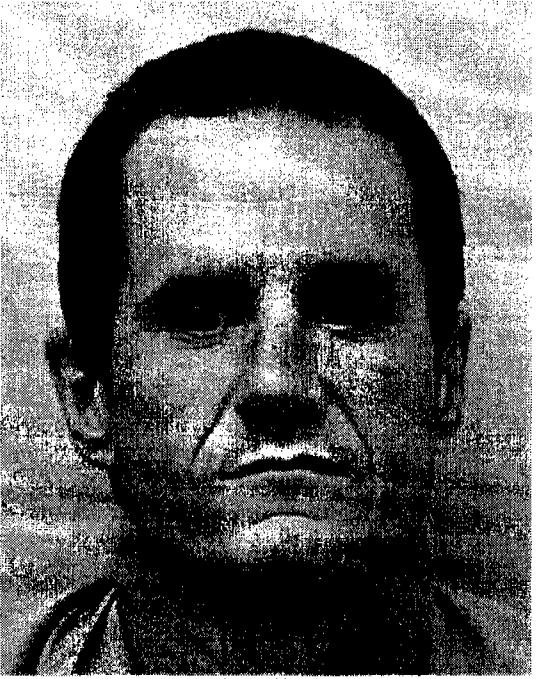
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OKLAHOMA DEPARTMENT OF CORRECTIONS

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Name ROY L MCATEER ODOC# 369502
 image 1 of 4 > 26 Sep 2003

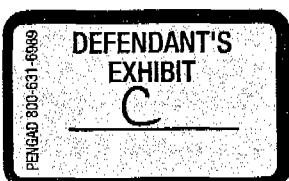
Appearance White Male; 5 ft. 11 in. tall; 171 pounds; Brown hair; Brown eyes;

Body Marks BIC: TAT L VIKING W/WOMAN TAT L/BICEP BIC: TAT R UPP BIRD TAT UPPER R/BICEP FOR: TAT L SCROLL TAT L/FOREARM
--

Sentence														
<table> <thead> <tr> <th>CRF#</th> <th>County</th> <th>Offense</th> <th>Conviction</th> <th>Term</th> <th>Term Code</th> <th>Start</th> </tr> </thead> <tbody> <tr> <td>99- 3620</td> <td>OKLA</td> <td>Attempted Burglary In The Second Degree</td> <td>11/04/1999</td> <td>11Y</td> <td>Incarceration</td> <td>03/29/2000 06/2</td> </tr> </tbody> </table>	CRF#	County	Offense	Conviction	Term	Term Code	Start	99- 3620	OKLA	Attempted Burglary In The Second Degree	11/04/1999	11Y	Incarceration	03/29/2000 06/2
CRF#	County	Offense	Conviction	Term	Term Code	Start								
99- 3620	OKLA	Attempted Burglary In The Second Degree	11/04/1999	11Y	Incarceration	03/29/2000 06/2								

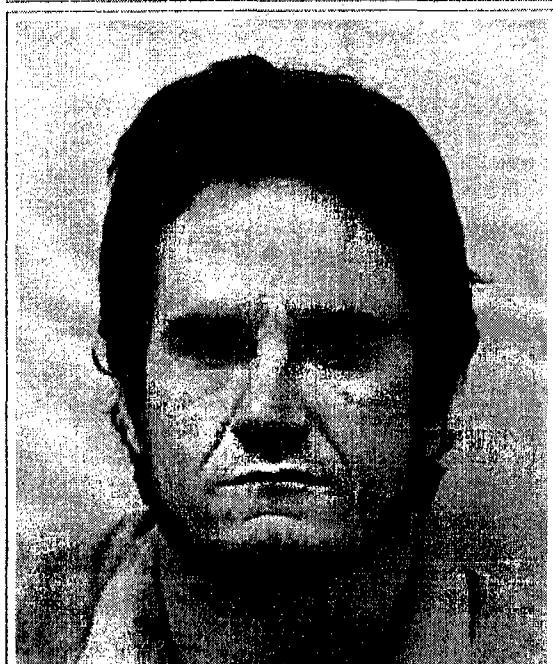
Facility															
<table> <thead> <tr> <th>Current Facility</th> <th>Phone#</th> <th>Reception Date</th> <th>Discharge Date</th> <th>Parole Hearing Date</th> </tr> </thead> <tbody> <tr> <td>INACTIVE</td> <td></td> <td>03/29/2000</td> <td>06/25/2004</td> <td>09/9999</td> </tr> <tr> <td>Address</td> <td></td> <td>City</td> <td>State</td> <td>Zip</td> </tr> </tbody> </table>	Current Facility	Phone#	Reception Date	Discharge Date	Parole Hearing Date	INACTIVE		03/29/2000	06/25/2004	09/9999	Address		City	State	Zip
Current Facility	Phone#	Reception Date	Discharge Date	Parole Hearing Date											
INACTIVE		03/29/2000	06/25/2004	09/9999											
Address		City	State	Zip											

Alias Steve J Chaffin
IDs ODOC#: 369502 Birth Date: 09/18/1963



 OKLAHOMA DEPARTMENT OF CORRECTIONS[Back to Previous Search](#) [New Search](#)

Name
ROY L MCATEER ODOC# 369502



< image 2 of 4 >
27 Dec 2002

Appearance

White Male; 5 ft. 11 in. tall; 171 pounds; Brown hair; Brown eyes;

Body Marks

BIC: TAT L VIKING W/WOMAN TAT L/BICEP
BIC: TAT R UPP BIRD TAT UPPER R/BICEP
FOR: TAT L SCROLL TAT L/FOREARM

Sentence

CRF#	County	Offense	Conviction	Term	Term Code	Start
99- 3620	OKLA	Attempted Burglary In The Second Degree	11/04/1999	11Y	Incarceration	03/29/2000 06/2

Facility

Current Facility	Phone#	Reception Date	Discharge Date	Parole Hearing Date
INACTIVE		03/29/2000	06/25/2004	09/9999

Address

City

State

Zip

Contact

Alias

Steve J Chaffin

IDs

ODOC#: 369502

Birth Date: 09/18/1963

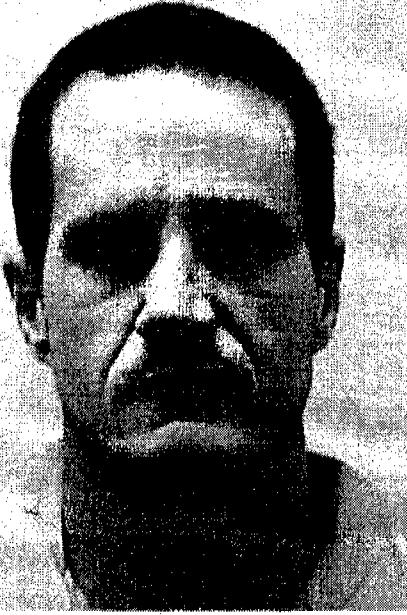
DEFENDANT'S
EXHIBIT
C

PRINTED 000-031-989



OKLAHOMA DEPARTMENT OF CORRECTIONS

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Name ROY L MCATEER ODOC# 369502	 < image 3 of 4 > 1 Oct 2001
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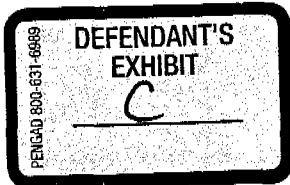
Appearance White Male; 5 ft. 11 in. tall; 171 pounds; Brown hair; Brown eyes;

Body Marks BIC: TAT L VIKING W/WOMAN TAT L/BICEP BIC: TAT R UPP BIRD TAT UPPER R/BICEP FOR: TAT L SCROLL TAT L/FOREARM
--

Sentence						
CRF#	County	Offense	Conviction	Term	Term Code	Start
99- 3620	OKLA	Attempted Burglary In The Second Degree	11/04/1999	11Y	Incarceration	03/29/2000 06/2

Facility					
Current Facility	Phone#	Reception Date	Discharge Date	Parole Hearing Date	
INACTIVE		03/29/2000	06/25/2004	09/9999	
Address		City	State	Zip	Contact

Alias Steve J Chaffin
IDs ODOC#: 369502 Birth Date: 09/18/1963

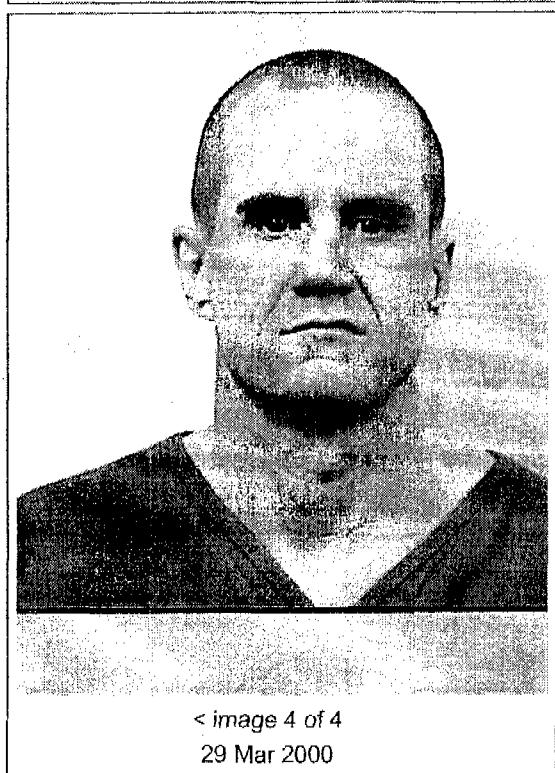




OKLAHOMA DEPARTMENT OF CORRECTIONS

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